

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	Criminal Action No. 08- 149-M
Plaintiff,)	
v.)	
MARIO FRANCISCO MARTINEZ- HERNANDEZ,)	
Defendant.)	

MOTION FOR DETENTION HEARING

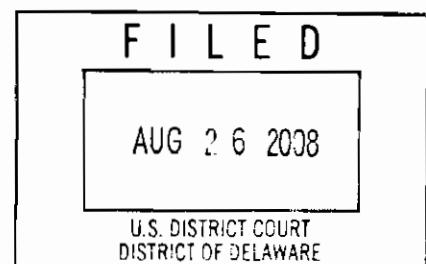
NOW COMES the United States and moves for the pretrial detention of the defendant, pursuant to 18 U.S.C. § 3142(e) and (f). In support of the motion, the United States alleges the following:

1. **Eligibility of Case.** This case is eligible for a detention order because case involves (check all that apply):

- Crime of violence (18 U.S.C. § 3156)
- Maximum sentence life imprisonment or death
- 10+ year drug offense
- Felony, with two prior convictions in above categories
- Minor victim; possession or use of firearm, destructive device or other dangerous weapon; or failure to register under 18 U.S.C. § 2250
- Serious risk defendant will flee
- Serious risk obstruction of justice

2. **Reason For Detention.** The court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

- Defendant's appearance as required
- Safety of any other person and the community



3. **Rebuttable Presumption**. The United States WILL NOT invoke the rebuttable presumption against defendant under § 3142(e). (If yes) The presumption applies because **(check one or both)**:

- Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. § 924(c)
- Previous conviction for "eligible" offense committed while on pretrial bond

4. **Time For Detention Hearing**. The United States requests the court conduct the detention hearing,

- At first appearance
- After continuance of 10 days.

5. **Temporary Detention**. The United States request the temporary detention of the defendant for a period of 10 days (not more than 10) so that the appropriate officials can be notified since **(check 1 or 2, and 3)**:

1. At the time the offense was committed the defendant was:

- (a) on release pending trial for a felony;
- (b) on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence for an offense;
- (c) on probation or parole for an offense.

2. The defendant is not a citizen of the U.S. or lawfully admitted for permanent residence.

3. The defendant may flee or pose a danger to any other person or the community.

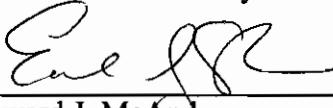
6. **Other Matters.**

DATED this 26th day of August, 2008.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

BY:


Edward J. McAndrew
Assistant United States Attorney